



DOUGLAS A. DUCEY  
GOVERNOR

STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

March 23, 2018

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

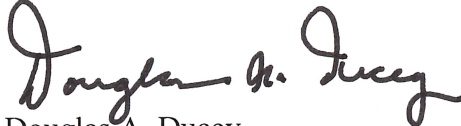
Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on March 23, 2018:

SB 1022 DHS; homemade food products (Farnsworth, D.)  
SB 1045 home inspectors (Kavanagh)  
SB 1052 county flood control districts; easements (Griffin)  
SB 1063 produce safety rule; state administration (Griffin)  
SB 1077 fund solicitations; charities; unlawful acts (Barto)  
SB 1097 unclaimed property; notice; publication; claims (Petersen)  
SB 1142 private land acquisition; committee; continuation (Griffin)  
SB 1144 conservation easements; notice; valuation (Griffin)  
SB 1182 conservation districts; additional directors (Griffin)  
SB 1198 blind persons' rights; adoption; custody (Barto)  
SB 1246 behavioral health board (Barto)  
SB 1249 campaign finance violations; appeals (Burgess)  
SB 1255 teachers; alternative performance evaluations (Allen, S.)  
SB 1256 school bus definition; vans (Allen, S.)  
SB 1412 unclaimed property; electric cooperatives; credits (Griffin)  
HB 2005 public service corporations; penalties (Leach)  
HB 2007 evasion; crime; personal disguises (Lawrence)  
HB 2017 state land department; continuation (Mitchell)  
HB 2045 acupuncture board; continuation (Carter)  
HB 2124 life and disability insurance; insolvencies (Livingston)  
HB 2151 joint powers; fire protection services (John)  
HB 2167 Arizona commerce authority; continuation; requirements (Weninger)

HB 2180 fire district budget hearings (Coleman)  
HB 2185 school districts; tax levy; calculation (Norgaard)  
HB 2189 prisoners; dedicated discharge account; use (Boyer)  
HB 2215 veterinary medical examining board; continuation (Barton)  
HB 2256 podiatrists; examination; repeal (Carter)  
HB 2331 state lottery; multijurisdictional games (Weninger)  
HB 2385 property tax appeals; court findings (Clodfelter)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

Senate Engrossed

**FILED**

**MICHELE REAGAN**

**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 52**

# **SENATE BILL 1144**

AN ACT

AMENDING SECTIONS 33-272 AND 42-12058, ARIZONA REVISED STATUTES; RELATING  
TO CONSERVATION EASEMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-272, Arizona Revised Statutes, is amended to  
3 read:

4 33-272. Creation, conveyance, acceptance and duration;  
5 impairment; recording; county assessor

6 A. Except as otherwise provided in this article, a conservation  
7 easement may be created, conveyed, recorded, assigned, released, modified,  
8 terminated or otherwise altered or affected in the same manner as other  
9 easements. For THE purposes of this article, conservation easements shall  
10 be voluntarily created and shall not be required by a political  
11 subdivision or governmental entity. This article neither limits nor  
12 enlarges the power or purposes of eminent domain, zoning, subdivision  
13 regulations or any right of condemnation under the laws of this state.  
14 Any assignment, release, modification, termination or other document  
15 altering or affecting a conservation easement need only be executed or  
16 approved in writing by the current owner of the real property ~~which~~ THAT  
17 is burdened by the conservation easement, the holder of the conservation  
18 easement and any governmental body, charitable corporation or trustee of a  
19 charitable trust having a ~~third party~~ THIRD-PARTY right of enforcement.

20 B. No right or duty in favor of or against a holder and no right in  
21 favor of a governmental body, charitable corporation or trustee of a  
22 charitable trust having a ~~third party~~ THIRD-PARTY right of enforcement  
23 arises under a conservation easement before its acceptance by the holder  
24 and a recordation of the acceptance.

25 C. Except as provided in section 33-273, subsection B, a  
26 conservation easement is unlimited in duration unless the instrument  
27 creating it otherwise provides.

28 D. An interest in real property in existence at the time the  
29 conservation easement is created is not impaired by a conservation  
30 easement unless the owner of the interest is a party to the conservation  
31 easement or consents in writing to the conservation easement by an  
32 instrument acknowledged and recorded in the office of the county recorder  
33 of the county in which the affected real property is located.

34 E. THE HOLDER OF THE CONSERVATION EASEMENT SHALL PROVIDE FOR THE  
35 RECORDING OF THE CONSERVATION EASEMENT AND THE RECORDING OF ITS  
36 ACCEPTANCE. THE HOLDER OF THE CONSERVATION EASEMENT ALSO SHALL PREPARE  
37 AND PROVIDE THE INFORMATION PRESCRIBED BY SECTION 42-12058 TO THE COUNTY  
38 ASSESSOR FOR EACH COUNTY IN WHICH ANY PORTION OF THE REAL PROPERTY THAT IS  
39 BURDENED BY THE CONSERVATION EASEMENT IS LOCATED.

40 Sec. 2. Section 42-12058, Arizona Revised Statutes, is amended to  
41 read:

42 42-12058. Registry of real property burdened by conservation  
43 easements

44 A. The county assessor in each county shall establish and maintain  
45 a public digital registry of each parcel of property in the county that is

1 classified as class two (C) pursuant to section 42-12002, paragraph 3 from  
2 and after December 31, 2016 because it is burdened by a conservation  
3 easement.

4 B. The registry shall include the following information regarding  
5 each parcel:

6 1. The name of the owner or owners of the real property that is  
7 burdened by the conservation easement.

8 2. THE NAME OF THE HOLDER OF THE CONSERVATION EASEMENT AND THE NAME  
9 OF ANY GOVERNMENTAL BODY, CHARITABLE CORPORATION OR TRUSTEE OF A  
10 CHARITABLE TRUST HAVING A THIRD-PARTY RIGHT OF ENFORCEMENT.

11 ~~2.~~ 3. The date the conservation easement was created or recorded.

12 ~~3.~~ 4. Whether the conservation easement is perpetual or limited in  
13 duration and, if so limited, the date or conditions under which the  
14 conservation easement terminates.

15 5. THE VALUE OF THE REAL PROPERTY THAT IS BURDENED BY THE  
16 CONSERVATION EASEMENT AS DETERMINED BY AN INDEPENDENT APPRAISAL PRIOR TO  
17 THE CREATION AND RECORDING OF THE CONSERVATION EASEMENT.

18 C. The assessor shall periodically review and revise as necessary  
19 the information contained in the registry for the purpose of verifying  
20 that the listed properties should remain classified as class two (C).

**APPROVED BY THE GOVERNOR MARCH 23, 2018**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2018**



Passed the House March 20, 20 18,

Passed the Senate February 12, 20 18,

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

0 Nays, 3 Not Voting

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

21<sup>st</sup> day of March, 20 18,

at 2:04 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 23<sup>rd</sup> day of

March, 20 18,

at 10:30 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of March, 20 18,

at 4:43 o'clock P. M.

[Signature]  
Secretary of State

S.B. 1144